

ORDINANCE NO. 03-251

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 9.20 TREES AND SHRUBS OF THE LOS ALTOS
MUNICIPAL CODE RELATING TO PROPERTY OWNER MAINTENANCE
RESPONSIBILITY OF TREES AND OTHER LANDSCAPING

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. FINDINGS: The City Council of the City of Los Altos hereby finds:

A. Chapter 9.20 of the Los Altos Municipal Code outlines responsibilities and standards of care for planting, maintaining, and removing trees and shrubs;

B. The City Council desires to require property owners to maintain landscaping and trees adjacent to their property in the public right of way;

SECTION 2. AMENDMENT OF CODE: Chapter 9.20 is hereby amended as follows:

1. Revise Section 9.20.020 Control of City, in it's entirety to read as follows:

"The city shall have control of all street trees, shrubs, plants, and flowers now or hereafter growing in any street, park, or public place within the city and shall have the authority to plant, care for, and maintain such trees, shrubs, plants, and flowers. No person shall remove or interfere with street trees in any street, park, or public place without a permit therefor from the council or such officer as may be delegated."

2. Delete part A of Section 9.20.030 Permit Required and replace with the following:

"A. Remove or in any way injure or mutilate any street tree;"

3. Add new Section 9.20.025 to read as follows:

"Section 9.20.025 Trees – Property owner maintenance responsibility.

A. The owner of a lot fronting on or adjacent to any portion of a street, except for properties located in commercial zoning districts designated CD, CN, CRS, CS, CT, OA, OAD, and PUD shall maintain any trees, shrubs, plants and flowers in the area fronting and along the side yard of the property between the property line and the back of curb or edge of pavement where no curbs exist in such a manner that the trees, shrubs, plants and flowers will not interfere with public safety or convenience in the use of the streets and sidewalks. Property owners shall maintain such trees so that there is a minimum nine-foot vertical pedestrian clearance and a minimum thirteen-foot vertical vehicular clearance from the top of the curb, edge of pavement, or adjacent ground surface (whichever is higher) to any part of the tree.

B. For purposes of this part, maintenance of trees, shrubs, plants and flowers includes, but is not limited to: deep root watering, root pruning, installing root barriers, clearance and structural trimming, fertilizing, pest control, and removal of branches, leaves, and other debris. All trimming performed will be conducted in accordance with requirements of this code and conform to current standards as set forth in the American National Standards Institute ("ANSI") A300 "Tree, Shrub, and Other Woody Plant Maintenance Standard Practices" and the International Society of Arboriculture ("ISA") "Tree Pruning Guidelines." Property owners shall perform pruning in compliance with the foregoing standards and guidelines.

C. If any property owner fails to maintain any trees, shrubs, plants or flowers in a safe and passable condition as required by this section, and any person suffers damage or injury to person or property, the property owner shall be liable for all damages or injuries caused by the failure of the owner to maintain the trees, shrubs, plants or flowers.

D. In order to enforce maintenance of street trees and parkways under this chapter, all relevant provisions and procedures delineated in Section 9.20.020 of this code and Chapter 22 of Division 7, Part 3, of the Streets and Highways Code (Sections 5600 and following) and related provisions will be applied."

SECTION 3. CEQA EXEMPTION. This ordinance is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (California Environmental Quality Act (CEQA) pursuant to the State enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

SECTION 4 PUBLICATION: A summary of this ordinance shall be published in the Los Altos Town Crier, as provided for in California Government Code Section 36933.

SECTION 5. CONSTITUTIONALITY. If any section, subsection sentence, clause, phrase or word of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

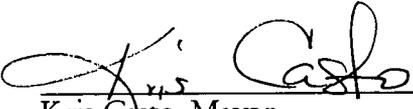
SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective upon the commencement of the thirty-first (31st) day following the adoption date.

The foregoing Ordinance was duly and regularly introduced at a regular meeting of the Los Altos City Council held on July 8, 2003, and was thereafter, at a regular meeting of the Los Altos City Council held on August 26, 2003, duly passed and adopted by the following roll call vote:

Ayes: Mayor Casto, Councilmembers Moss, La Poll, Becker, Lear

Noes: None

Absent: None


Kris Casto, Mayor

Attest:


Susan Kitchens, City Clerk

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